

House Bill 1358 (AS PASSED HOUSE AND SENATE)

By: Representatives Coleman of the 97<sup>th</sup>, Golick of the 34<sup>th</sup>, Smith of the 129<sup>th</sup>, Jones of the 46<sup>th</sup>, Benton of the 31<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 20-2-182 of the Official Code of Georgia Annotated, relating to program weights, maximum class size, and reporting requirements under the "Quality Basic Education Act," so as to change certain provisions relating to maximum class size requirements; to provide for legislative intent; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Truth in Class Size Act."

SECTION 2.

Code Section 20-2-182 of the Official Code of Georgia Annotated, relating to program weights, maximum class size, and reporting requirements under the "Quality Basic Education Act," is amended by striking subsections (i) and (k) and inserting in their respective places the following:

"(i)(1) It is the intent of this paragraph to provide a clear expectation to parents and guardians as to the maximum number of students that may be in their child's classroom in kindergarten through eighth grade. Beginning with the 2006-2007 school year, for the following regular education programs, the maximum individual class size for mathematics, science, social studies, and language arts classes shall be:

<u>(A) Kindergarten program (without full-time aide)</u> . . . . .	<u>18</u>
<u>(B) Kindergarten program (with full-time aide)</u> . . . . .	<u>20</u>
<u>(C) Primary grades program (1-3)</u> . . . . .	<u>21</u>
<u>(D) Upper elementary grades program (4-5)</u> . . . . .	<u>28</u>

1 (E) Middle grades program (6-8) and middle school program (6-8) as  
 2 defined in Code Section 20-2-290. . . . . 28

3 (2) The State Board of Education shall adopt for each instructional program authorized  
 4 pursuant to Part 3 of this article ~~and the middle school program provided for in Code~~  
 5 ~~Section 20-2-290~~ except those programs included in paragraph (1) of this subsection the  
 6 maximum number of students which may be taught by a teacher in an instructional  
 7 period. For the remedial education, vocational laboratory, alternative education, and early  
 8 intervention programs, the ~~The~~ State Board of Education shall provide for a system  
 9 average maximum class size that shall not exceed the funding class size by more than 20  
 10 percent ~~for mathematics, science, social studies, or language arts classes, unless~~  
 11 ~~specifically authorized by the State Board of Education. The system average maximum~~  
 12 ~~class size for kindergarten and grades one through three shall not exceed 20 percent over~~  
 13 ~~the funding ratio except for art, music, or physical education classes; provided, further,~~  
 14 ~~that the system average maximum class size for special education, gifted, and English for~~  
 15 ~~speakers of other languages classes shall be set by the State Board of Education. For each~~  
 16 ~~instructional program covered under this paragraph, the maximum number of students~~  
 17 ~~who may be taught by a teacher in an instructional period shall not exceed the system~~  
 18 ~~average maximum class size for the program by more than two students; provided,~~  
 19 ~~however, that a system average maximum class size which results in a fractional full-time~~  
 20 ~~equivalent shall be rounded up to the nearest whole number. For a period not to exceed~~  
 21 ~~seven years, beginning with the 2000-2001 school year, local school systems shall be~~  
 22 ~~allowed to exceed the maximum class sizes set forth in this subsection in a manner~~  
 23 ~~consistent with State Board of Education rules and subsection (k) of this Code section,~~  
 24 except for those programs included in paragraph (1) of this subsection beginning with the  
 25 2006-2007 school year. The State Board of Education shall lower the current maximum  
 26 class sizes set by state board rules in effect for the 1999-2000 school year, beginning with  
 27 the 2000-2001 school year, by an amount so that, beginning with the 2007-2008 school  
 28 year, State Board of Education rules are in compliance with this subsection; provided,  
 29 however, that this shall not apply to the programs included in paragraph (1) of this  
 30 subsection beginning with the 2006-2007 school year. ~~An aide may be used in programs~~  
 31 ~~to increase class size as allowed by State Board of Education rule and subsection (k) of~~  
 32 ~~this Code section, except that beginning with the 2007-2008 school year, an aide shall not~~  
 33 ~~be used to increase the maximum class size in kindergarten or grades one through three.~~  
 34 (3) The maximum individual class size for the kindergarten and primary grades programs  
 35 is defined as the number of students in a physical classroom. The maximum individual

class size for all other purposes shall be defined as the maximum number of students that may be taught by a teacher in a class segment. Maximum class sizes for the programs covered in paragraph (2) of this subsection that result in a fractional full-time equivalent shall be rounded up to the nearest whole number as needed.

~~(4) The middle school program shall use the teacher-student ratio of the middle grades program for the purpose of this subsection. The number of students taught by a teacher at any time after the first 15 school days of a school year may not exceed the maximum such number unless authorization for a specific larger number is requested of the state board after the first FTE count of a school year as required in subsection (a) of Code Section 20-2-160. The state board may approve said request only in the limited circumstance where educationally justified and where an act of God or other unforeseen event led to the precipitous rise in enrollment within that school system or led to another occurrence which resulted in the local board's inability to comply with this subsection, along with the educational justification for granting the requested exemption, and the state board has approved said request. The state board shall not reduce class sizes without the authorization of the General Assembly if this reduction necessitates added costs for facilities, personnel, and other program needs. Local boards of education may reduce class sizes, build additional facilities, and provide other resources at local cost if such actions are in the best interest of the local school systems' programs as determined by the local boards of education."~~

~~"(k)(1) Except as otherwise provided in paragraph (2) of this subsection or in paragraph (1) of subsection (i) of this Code section, for For the 2003-2004, 2004-2005, 2005-2006, and 2006-2007 school years, the maximum class sizes set by the State Board of Education for the 2002-2003 school year shall apply for grades four through 12. For the 2003-2004, 2004-2005, 2005-2006, and 2006-2007 school years, the maximum class sizes set by the State Board of Education for the 2003-2004 school year shall apply to kindergarten and grades one through three, except that a kindergarten class may be increased to 20 students if a paraprofessional is present in addition to the certificated teacher.~~

(2)(A) For the 2006-2007 school year, for the following regular education programs, the maximum individual class size for mathematics, science, social studies, and language arts classes shall be:

(i) High school general education program (9-12), except science . . . . . 32

(ii) High school general education program (9-12), science only . . . . . 30

(B) For the 2006-2007 school year, in addition to the maximum individual class size requirements in subparagraph (A) of this paragraph, the maximum system average class size for mathematics, science, social studies, and language arts classes shall be:

(i) High school general education program (9-12), except science . . . 30

(ii) High school general education program (9-12), science only . . . 28

(3) Except as otherwise provided in this subsection, other provisions of this Code section shall apply. This subsection shall not be construed to repeal any other provision of this Code section or this chapter, or to apply to any period of time other than the four fiscal years beginning July 1, 2003, and ending June 30, 2007. This subsection shall be automatically repealed July 1, 2007."

### SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.